

Memorandum of Understanding  
Between the United States National Ocean Service and the  
Santuario de los Mamíferos Marinos of the Dominican Republic  
To Collaborate on International Protection  
Of the Humpback Whale

I. Purpose and Scope

The purpose of this Memorandum is to enhance an ecosystem-based approach to sanctuary management by the Stellwagen Bank National Marine Sanctuary of the United States (SBNMS) and the Santuario de Mamíferos Marinos de la República Dominicana (SMMRD)—Marine Mammal Sanctuary of the Dominican Republic—through cooperation and coordination of capacity building, research, monitoring, and education involving humpback whales and the respective marine bank ecosystems that they frequent.

II. Cooperation

The Signatories intend to cooperate on capacity building, research, monitoring, and educational activities of mutual interest to these sanctuaries as set forth in their respective management plans and authorities. The cooperation may involve exchanging human and other resources, including information, knowledge, expertise, equipment, and funds pursuant to future agreements or other legal mechanisms arising out of this collaborative effort. Other national agencies may be consulted as appropriate and required by the signatories, e.g. in the U.S., the National Marine Fisheries Service.

A. Administrative Infrastructure and Capacity Building

The Signatories intend to:

1. Identify and leverage external funding sources for capacity building, research, education, monitoring, and other management projects;
2. Develop cooperative management mechanisms such as sharing and exchanging technical personnel, including experts and students, for the purposes of observation, training and management;

3. Facilitate exchange of sanctuary representatives to attend the respective advisory committee or other appropriate meetings concerning management of the SBNMS and SMMRD; and,
4. Provide access to property and equipment for research, education, and monitoring as mutually agreed.

B. Education/Outreach/Ecotourism

The Signatories intend to:

1. Cooperate on activities, through international support, to educate the public about humpback whales, their migration patterns, and their habitat needs, i.e., the marine eco-systems on which the whales depend; the impact of environmental stressors on the whales and their habitat; the efforts to protect and conserve the whales and their habitat, including the protection of SBNMS and SMMRD; and the existing regulatory framework to protect these animals and their habitats; and,
2. Direct the focus of cooperative public outreach opportunities to educate potential users of the sanctuaries through brochures, public service announcements, documentaries, and other educational-informational media and to promote safe and responsible marine wildlife viewing practices.

C. Research/Monitoring

The Signatories intend to:

1. Seek external support for future joint or complementary research/monitoring projects, including research and monitoring on the whales' migration, telemetry, acoustic, strandings, environmental profiling, and anthropogenic threats;
2. Exchange existing research and monitoring information regarding the threats to humpback whales, their habitat, and corresponding ecosystems; and,

3. Identify and exchange existing research and monitoring information regarding humpback whales, their migration, their habitat needs, including baseline data on physical, chemical, and biological characteristics of the sanctuaries, and bank ecosystems.

### III. Duration of Cooperation

This cooperation commences upon the latter date of signature of this memorandum and is to continue for 5 years after the latter date of signature.

### IV. Amendment and/or Cancellation of Memorandum

This Memorandum may be amended upon the mutual written consent of both Signatories. The Memorandum may be terminated by either Signatory without cause, upon receipt of written notice by the other Signatory, six months in advance.

### V. Contacts

A. The points of contact for activities under this Memorandum are:

#### SBNMS

Craig. D. MacDonald, PhD  
SBNMS Superintendent  
175 Edward Foster Road  
Scituate, Massachusetts, USA 02066  
Tel: 781-545-8026 X 202  
Facsimile: 781-545-8036  
Email: [Craig.MacDonald@noaa.gov](mailto:Craig.MacDonald@noaa.gov)

#### SMMRD

Dr. Max Puig  
Subsecretariat of State for Protected Areas and Biodiversity, a branch of the Secretariat of State for the Environment and Natural Resources of the Dominican Republic.  
Ave. Tiradentes, La Cumbre Bldg. 10<sup>th</sup> floor

Santo Domingo, Dominican Republic  
Telephones: 809-567-4300 / 809-472-4204  
Facsimiles: 809-683-4774 / 809-472-4012  
E-mails: [areas.protegidas@medioambiente.gov.do](mailto:areas.protegidas@medioambiente.gov.do) /  
[direccion.legal@medioambiente.gov.do](mailto:direccion.legal@medioambiente.gov.do)

B. The Signatories agree that if there is a change regarding the information in this section, the Signatory making the change will notify the other Signatory in writing of such change.

#### VI. Other Provisions

A. This Memorandum is not an authorization for the obligation of appropriations nor does it imply a commitment of any other funds. Separate arrangement between the Signatories may address specific commitment of funds and/or equipment, if necessary and appropriate.

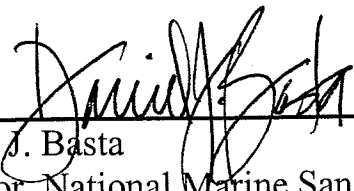
B. Cooperation under this Memorandum is subject to the availability of appropriated funds and to the laws and regulations of the United States and the Dominican Republic. For the United States, relevant authorities include the National Marine Sanctuaries Act, 16 U.S.C. 1435, 1440, and 1442. The Competent Authority of the Dominican Republic includes the General Law for the Environment and Natural Resources, No. 64-00, Sectorial Law for Protected Areas No. 202-04 and Decree No. 233-96, dated July 30 1996.

C. This Memorandum in no way alters the respective liability of Signatories with respect to activities undertaken pursuant to this memorandum.

D. The Parties do not intend this Memorandum to be a legally binding 'international agreement'. Their intent is solely to foster cooperation on activities of mutual interest. To the extent any provisions in this Agreement are considered to be obligations, the Parties do not intend them to be subject to international law.

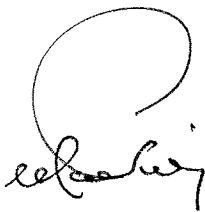
E. Each signatory will designate its responsible focal point for implementation of this Memorandum, consistent with its laws and regulations.

ACCEPTED AND APPROVED BY:

  
\_\_\_\_\_  
Daniel J. Basta  
Director, National Marine Sanctuary Program  
United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Ocean Service

DEC 4 2006

Date

  
\_\_\_\_\_  
Dr. Max Puig  
Secretary of State for the Environment and Natural Resources  
Of the Dominican Republic

08 DIC. 2006

Date